

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JON SMITH	:	CIVIL ACTION
	:	
v.	:	
	:	
MARK CAPOZZA, et al.	:	NO. 19-3147

ORDER

AND NOW, this 30th day of September, 2024, upon careful and independent consideration of the Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Docket No. 1), and all documents filed in connection therewith, and after review of United States Magistrate Judge Richard A. Lloret's Report and Recommendation (Docket No. 57), and consideration of Petitioner's Objections to the Report and Recommendation (Docket No. 58), and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Petitioner's Objections are **SUSTAINED** with respect to Section B(ii) of the Report and Recommendation and **OVERRULED** in all other respects.
2. The Report and Recommendation of Magistrate Judge Lloret is **APPROVED** and **ADOPTED**, except as to Section B(ii).
3. The Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED**.
4. As Petitioner has failed to make a substantial showing of the denial of a constitutional right or demonstrated that a reasonable jurist would debate the correctness of this ruling, the Court declines to issue a certificate of appealability pursuant to 28 U.S.C. § 2253(c)(2).

BY THE COURT:

/s/ John R. Padova, J.

John R. Padova, J.